IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

**THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA**

**WRIT PETITION NO :4443 of 1999**

**Dated: 17.04.2007**

Between:
Perumalla Venkateswarulu

**.....** PETITIONER

**AND**

1.The Commissioner, Chilakaluripeta
Municipality, Chilakaluripeta, Guntur
District and another …
RESPONDENTS

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**THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA**

**WRIT PETITION No. 4443 of 1999**

ORDER:

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Petitioner seeks a writ of Mandamus declaring the notice dated 08.02.1999 issued by the 1st respondent under Section 192 of the A.P. Municipalities Act, as illegal and arbitrary and violative of principles of natural justice and orders of this Court in W.P.No.25568 of 1996 dated 21.10.1998.

The case of the petitioner is that he is in occupation of the land to an extent of 0.01 cents in Sy.No.56/1 of Chilakaluripeta town and constructed a house in it in the year 1970. Thereafter, house site patta was granted by the Tahsildar, Chilakaluripeta to the extent of the land occupied by the petitioner in Sy.No.56/1. Subsequently the said assignment was regularized in favour of the petitioner by the Revenue Divisional Officer, Narasaraopeta, on payment of market value on 07.10.1986. It is stated that the 1st respondent, who has no jurisdiction, issued a notice under Section 192 of the A.P. Municipalities Act dated 08.02.1999 directing the petitioner to remove the construction made in Sy.No.67/B Part (56/1), within three days from the date of receipt of notice, as the same is against the provisions of the Act and to ease the traffic problem by expanding the road, otherwise the department would remove the same and collect necessary charges from him.

While admitting this writ petition, this Court, on 08.03.199, granted interim stay of all further proceedings including eviction of the petitioner from the premises situated in Sy.No.56/1 of Chirala Narasaraopeta road, Chilakaluripeta town, Guntur District, pursuant to the notice of the 1st respondent dated 08.02.1999.

In the counter-affidavit filed by the 1st respondent, it is stated that as per the information furnished by the Mandal Revenue Officer through his letter dated 29.11.1998, the patta on which the petitioner was relying and claiming possession is fake and fabricated one and no such record is available with the office and as such the occupation of the petitioner on the road margin is unauthorized and that the 1st respondent can initiate proceedings duly following the procedure contemplated under A.P. Municipalities Act, 1965.

In the instant case, the 1st respondent issued the impugned notice on 08.02.1999 and the same was served on the petitioner on 02.03.1999. The petitioner without submitting the explanation to the said notice approached this Court by filing the present writ petition on 04.03.1999.

However, without going into the merits of the case, I feel it appropriate to direct the petitioner to submit his explanation to the impugned notice dated 08.02.1999 within a period of three weeks from the date of receipt of a copy of this order. On such explanation being offered, the 1st respondent shall consider and pass appropriate orders thereon in accordance with law after hearing the petitioner. Till such time, the interim stay granted by this Court on 08.03.1999 shall continue.

The writ petition is accordingly disposed of. No costs.

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**(GOPALA KRISHNA TAMADA, J)**

17-04-2007
Gsn.